

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B03/0796PC	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/011575	International filing date (<i>day/month/year</i>) 14.10.2004	Priority date (<i>day/month/year</i>) 14.10.2003
International Patent Classification (IPC) or national classification and IPC C07C43/11, C11D1/825		
Applicant BASF AKTIENGESELLSCHAFT		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input checked="" type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-18 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-9 received by this Authority on 11.08.2005 with letter of 11.08.2005
- nos.* _____ received by this Authority on _____
- ☐ the drawings:
- sheets _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-9	YES
	Claims		NO
Inventive step (IS)	Claims	1-9	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
<p>D1: WO 94/11330 A (BEROL NOBEL AB; DAHLGREN, LENNART; BERGSTROEM, KARIN) 26 May 1994 (1994-05-26)</p> <p>D2: EP-A-0 667 893 (HENKEL KOMMANDITGESELLSCHAFT AUF AKTIEN) 23 August 1995 (1995-08-23)</p> <p>D3: WO 00/74845 A (BASF AKTIENGESELLSCHAFT; GROSCH, GEORG, HEINRICH; HARRE, KATHRIN; ERBE) 14 December 2000 (2000-12-14).</p>			
<p>The present application concerns alkoxyate mixtures of formula (I) $C_5H_{11}CH(C_3H_7)CH_2O(B)_p(A)_n(B)_m(A)_qH$ (claims 1-4), methods for producing these (claims 5, 6), their use as emulsifiers, foam regulators and cross-linking agents for hard surfaces, and formulations containing alkoxyate mixtures of formula (I). Document D1 (see the passages cited in the international search report) is the closest prior art and differs from the subject matter of claim 1 in that alkoxyate mixtures of the formula $C_5H_{11}CH(C_3H_7)CH_2O(C_3H_6O)_r(C_2H_4O)_pH$ and $C_5H_{11}CH(C_3H_7)CH_2O(C_4H_8O)_r(C_2H_4O)_pH$, where $p=1-10$ and $r=1-6$, are disclosed. Consequently, alkoxyates of document D1 differ from the subject matter of claim 1 in that in document D1 $-(B)_r(A)_pH$ is disclosed and in the present application $(B)_p(A)_n(B)_m(A)_qH$ is disclosed, that is to</p>			

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

say, the propyleneoxy subunit is separated from the ethyleneoxy subunit by an ethyleneoxy-propyleneoxy subunit.

The technical problem is therefore considered that of providing alternative alkoxylate mixtures.

The solution is disclosed in claim 1 and concerns alkoxylate mixtures of formula (I) having a special arrangement of the ethyleneoxy-propyleneoxy subunits $(B)_p(A)_n(B)_m(A)_qH$. These special alkoxylate mixtures are used as emulsifiers, foam regulators and cross-linking agents for hard surfaces, since the use on hard surfaces requires only a small angle of contact. The fact that the special alkoxylate mixtures are suitable for use as emulsifiers, foam regulators and cross-linking agents for hard surfaces cannot be derived by a person skilled in the art from the closest prior art document D1 alone or in combination with document D2 and/or document D3 (see the passages cited in the international search report).

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Box No. VI

Certain documents cited

1. Certain published documents (Rule 70.10)

Application No.
Patent No.Publication date
(day/month/year)Filing date
(day/month/year)Priority date (valid claim)
(day/month/year)

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure

Date of non-written disclosure
(day/month/year)Date of written disclosure
referring to non-written disclosure
(day/month/year)**WO-A-03/091190**